

EXHIBIT D

CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

JANE ROE, individually)
and on behalf of all)
others similarly)
situated,)
Plaintiff,) Case No. 1:12-cv-02288
vs.) Pages 1-107
INTELLICORP RECORDS,)
INC., an Ohio)
corporation, and DOES)
1-50, inclusive,)
Defendants.)

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Los Angeles, California

February 5, 2013

Video deposition of VAN CASTANEDA, called as a
witness by counsel for the Defendant in the
above-entitled matter, pursuant to Subpoena, taken at
1800 Century Park East, Suite 600, Los Angeles,
California, beginning at 10:03 a.m. and ending at
12:11 p.m., on Tuesday, February 5, 2013, before Lisa
O'Sullivan, California Certified Shorthand Reporter
No. 7822, RMR, CRR.
Job # 56992

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1 LOS ANGELES, CALIFORNIA - FEBRUARY 5, 2013

2 10:03 A.M.

3
4 THE VIDEOGRAPHER: This is the start of DVD
5 labeled Number 1, in the videotaped deposition of Van
6 Castaneda, taken in the matter of Jane Roe v. IntelliCorp
7 Records, Inc., filed in the United States District Court
8 for the Northern District of Ohio, case
9 number 1-12-CV-2288.

10 This deposition is being held at 1800 Century
11 Park East, Los Angeles, California, on February 5th,
12 2013, at approximately 10:03 a.m. My name is Brent
13 Jordan, from TSG Reporting, Inc. I'm the legal video
14 specialist. The court reporter is Lisa O'Sullivan, in
15 association with TSG.

16 Will counsel present please identify yourselves
17 for the record.

18 MS. KNOX: Samantha Knox, and my colleague,
19 Lauren Elbert, for defendant IntelliCorp Records, Inc.

20 MR. SCHREIBER: Christian Schreiber, for
21 plaintiff.

22 MS. MURPHY: Elizabeth Murphy, for the witness,
23 Van Castaneda.

24 ///

25 ///

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1 THE VIDEOGRAPHER: Will the court reporter
2 please swear in the witness.

3 VAN CASTANEDA,
4 having been first duly sworn,
5 was examined and testified as follows:

6 EXAMINATION

7 BY MS. KNOX:

8 Q. Ms. Castaneda, my name is Samantha Knox, and I
9 represent defendant IntelliCorp Records in this matter.

10 Let me just start off by thanking you for
11 making time to be with us here today. I really
12 appreciate it.

13 Now, have you ever been deposed before?

14 A. Yes.

15 Q. Okay. So you're somewhat familiar with the
16 procedure here. As you can see, we're videotaping this
17 deposition. I'm going to run through a few ground rules,
18 which may be familiar to you already.

19 So you understand that you're under oath and
20 required to testify truthfully today?

21 A. Yes.

22 Q. Okay. Is there any reason why you cannot give
23 truthful testimony today?

24 A. No.

25 Q. Okay. So the deposition's being transcribed,

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1 So we'll mark it as Defendant's Exhibit
2 Number 24.

3 (Exhibit 24 is marked for identification
4 and is appended hereto.)

5 BY MS. KNOX:

6 Q. And does this document look familiar to you?

7 A. Yes.

8 Q. Okay. Great. And do you understand you've
9 been designated to testify on behalf of ComForcare today?

10 A. Yes.

11 Q. And are you prepared to testify to the topics
12 in Schedule A, which is the second-to-last page? And
13 please take your time to review if you need to.

14 A. Yes.

15 Q. Great. Thank you. Do you recall receiving a
16 copy of the protective order along with the subpoena?

17 A. I believe so, yes.

18 Q. Okay. Great. So today you're here to testify
19 on behalf of ComForcare Senior Services, doing business
20 as 5Life Ventures.

21 Is it okay with you if I refer to that company
22 as ComForcare?

23 A. Great.

24 MS. MURPHY: You might want to say 5Life
25 because ComForcare is a franchise.

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1 getting in social work?

2 A. Master's in social work.

3 Q. Okay. So she had one year left on her master's
4 degree?

5 A. Uh-huh.

6 Q. So earlier you mentioned, as part of the hiring
7 process, ComForcare will run a background check on
8 applicants that it's interested in hiring.

9 Did you conduct a background check on
10 Ms. Hilliard?

11 A. Yes.

12 Q. And when in the process did you conduct that?
13 Was that prior to or after the interview?

14 A. I don't recall.

15 Q. Okay. Do you recall what the results of the
16 report were?

17 A. Yes.

18 Q. And what were they?

19 A. It was that one incident that we had talked
20 about as far as a record. I didn't know what the codes
21 meant, so I called IntelliCorp to ask what they meant,
22 and they explained minor -- I want to say it was minor
23 theft, some sort.

24 So that's when she and I had a conversation as
25 to why it was not disclosed and what does that have to do

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CERTIFICATE OF REPORTER

I, the undersigned Certified Shorthand Reporter
licensed in the State of California, do hereby certify:

That the foregoing deposition of VAN CASTANEDA was
taken before me at the time and place therein set forth,
at which time the witness was put under oath or
affirmation by me;

That the testimony of the witness and all objections
made at the time of examination were recorded
stenographically by me and were thereafter transcribed,
said transcript being a true copy of my shorthand notes
thereof;

That signature () was (X) was not requested prior to
conclusion of the proceedings.

I further declare that I have no interest in the
outcome of the action.

In witness whereof, I have subscribed my name this
date: February 15, 2013.

LISA O'SULLIVAN
California CSR No. 7822
Registered Merit Reporter
Certified Realtime Reporter